

ASSEMBLY BILL

No. 1747

Introduced by Committee on Water, Parks and Wildlife (Wolk (Chair), Villines (Vice Chair), Baca, Daucher, Emmerson, Matthews, Parra, Pavley, and Sharon Runner)

March 3, 2005

An act to amend Sections 230, 461, 462, 463, 465, 1009, 1058.5, 1257, 10013, 10615, 10825, 10841, 11951, 11952, 11962, 11964, 11981, 11982, 11983, 12921.3, 12929.22, 12947, 13167.5, 13415, 13515, 13523, 13523.1, 13529.2, 13530, 13627, 13952, 14957, 31035, 31144.71, 31145, 31630.5, 31631, 31633, 55335, 71610.5, and 81420 of, and to amend the heading of Chapter 7 (commencing with Section 13500) of Division 7 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1747, as introduced, Committee on Water, Parks and Wildlife. Recycled water.

Existing law includes various references in the Water Code to reclaimed or recycled water. Existing law generally defines those terms to mean water that, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource.

This bill would substitute the term “recycled water” for “reclaimed water” and the word “recycling” for “reclamation” in various provisions of the Water Code.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 230 of the Water Code is amended to read:

230. The department, either independently or in cooperation with any person or any county, state, federal, or other agency, or upon the request of the ~~State Water Resources Control Board board~~, to the extent funds are allocated therefor, shall conduct surveys and investigations relating to the ~~reclamation~~ *recycling* of water from wastes for beneficial purposes, including, but not limited to, the determination of quantities of ~~such~~ water presently wasted, and possibilities of use of ~~such~~ water for recharge of underground storage or for agricultural or industrial uses.

SEC. 2. Section 461 of the Water Code is amended to read:

461. It is hereby declared that the primary interest of the people of the state in the conservation of all available water resources requires the maximum reuse of ~~reclaimed~~ *recycled* water in the satisfaction of requirements for beneficial uses of water.

SEC. 3. Section 462 of the Water Code is amended to read:

462. The department shall conduct studies and investigations on the availability and quality of wastewater and the uses of ~~reclaimed~~ *recycled* water for beneficial purposes, including, but not limited to, groundwater recharge, municipal and industrial use, irrigation use, and cooling for thermal electric powerplants.

SEC. 4. Section 463 of the Water Code is amended to read:

463. The department shall study and investigate the technology of the reuse of ~~reclaimed~~ *recycled* water and further the development of the technology of the ~~reclamation~~ *recycling* of water.

SEC. 5. Section 465 of the Water Code is amended to read:

465. The department may assist local agencies and public utilities providing water service in applying for, and in obtaining approval of, federal and state funding and permits for cost-effective water-~~reclamation~~ *recycling* projects and shall confer and cooperate with the board during the application and approval process.

SEC. 6. Section 1009 of the Water Code is amended to read:

1009. Any supplier of water in this state for municipal use, including the state, or any city, county, city and county, district,

1 individual, partnership, corporation, or any other entity, may
2 undertake a water conservation program to reduce water use and
3 may require, as a condition of new service, that reasonable
4 water-saving devices and water ~~reclamation~~ *recycling* devices be
5 installed to reduce water use.

6 SEC. 7. Section 1058.5 of the Water Code is amended to
7 read:

8 1058.5. (a) This section applies to any emergency regulation
9 adopted by the board for which the board makes both of the
10 following findings:

11 (1) The emergency regulation is adopted to prevent the waste,
12 unreasonable use, unreasonable method of use, or unreasonable
13 method of diversion, of water, to promote wastewater
14 ~~reclamation~~ *recycling*, or to promote water conservation.

15 (2) The emergency regulation is adopted in response to
16 conditions ~~which~~ *that* exist, or are threatened, in a critically dry
17 year immediately preceded by two or more consecutive dry or
18 critically dry years.

19 (b) Notwithstanding Sections 11346.1 and 11349.6 of the
20 Government Code, any findings of emergency adopted by the
21 board, in connection with the adoption of an emergency
22 regulation to which this section applies, are not subject to review
23 by the Office of Administrative Law.

24 (c) Any emergency regulation adopted by the board to which
25 this section applies may remain in effect for up to 270 days, as
26 determined by the board, and is deemed repealed immediately
27 upon a finding by the board that due to changed conditions it is
28 no longer necessary for the regulation to remain in effect.

29 SEC. 8. Section 1257 of the Water Code is amended to read:

30 1257. In acting upon *an* application to appropriate water, the
31 board shall consider the relative benefit to be derived from
32 (1) all beneficial uses of the water concerned including, but not
33 limited to, use for domestic, irrigation, municipal, industrial,
34 preservation and enhancement of fish and wildlife, recreational,
35 mining and power purposes, and any uses specified to be
36 protected in any relevant water quality control plan, and (2) the
37 reuse or ~~reclamation~~ *recycling* of the water sought to be
38 appropriated, as proposed by the applicant. The board may
39 subject such appropriations to such terms and conditions as in its

1 judgment will best develop, conserve, and utilize in the public
2 interest, the water sought to be appropriated.

3 SEC. 9. Section 10013 of the Water Code is amended to read:

4 10013. The department, as a part of the preparation of the
5 department's Bulletin 160-03, shall include in the California
6 Water Plan a report on the development of regional and local
7 water projects within each hydrologic region of the state, as
8 described in the department's Bulletin 160-98, to improve water
9 supplies to meet municipal, agricultural, and environmental water
10 needs and minimize the need to import water from other
11 hydrologic regions. The report shall include, but is not limited to,
12 regional and local water projects that use technologies for
13 desalting brackish groundwater and ocean water, ~~reclaiming~~
14 *recycling* water for use within the community generating the
15 water to be ~~reclaimed~~ *recycled*, the construction of improved
16 potable water treatment facilities so that water from sources
17 determined to be unsuitable can be used, and the construction of
18 dual water systems and brine lines, particularly in connection
19 with new developments and when replacing water piping in
20 developed or redeveloped areas.

21 SEC. 10. Section 10615 of the Water Code is amended to
22 read:

23 10615. "Plan" means an urban water management plan
24 prepared pursuant to this part. A plan shall describe and evaluate
25 sources of supply, reasonable and practical efficient uses,
26 ~~reclamation~~ *recycling* and demand management activities. The
27 components of the plan may vary according to an individual
28 community or area's characteristics and its capabilities to
29 efficiently use and conserve water. The plan shall address
30 measures for residential, commercial, governmental, and
31 industrial water demand management as set forth in Article 2
32 (commencing with Section 10630) of Chapter 3. In addition, a
33 strategy and time schedule for implementation shall be included
34 in the plan.

35 SEC. 11. Section 10825 of the Water Code is amended to
36 read:

37 10825. To the extent information is available, the reports
38 shall address all of the following:

39 (a) The quantity and source of water delivered to, and by, the
40 supplier.

1 (b) Other sources of water used within the service area, such
2 as groundwater and other diversions.

3 (c) A general description of the supplier's water delivery
4 system and service area, including a map.

5 (d) Total irrigated acreage within the service area.

6 (e) The amount of acreage of trees and vines grown within the
7 service area.

8 (f) An identification of all of the following:

9 (1) Current water conservation and ~~reclamation~~ *recycling*
10 practices being used.

11 (2) Plans for changing current water conservation plans.

12 (3) Conservation educational services being used.

13 (g) A determination of whether the supplier, through improved
14 irrigation water management, has a significant opportunity to do
15 one or both of the following:

16 (1) Save water by means of reduced evapotranspiration,
17 evaporation, or reduction of flows to unusable water bodies that
18 fail to serve further beneficial uses.

19 (2) Reduce the quantity of highly saline or toxic drainage
20 water.

21 SEC. 12. Section 10841 of the Water Code is amended to
22 read:

23 10841. (a) An agricultural water supplier required to prepare
24 a plan may consult with, and obtain comments from, any public
25 agency or state agency or any person who has special expertise
26 with respect to water conservation and ~~reclamation~~ *recycling* and
27 management methods and techniques.

28 (b) In order to assist agricultural water suppliers in obtaining
29 needed expertise as provided for in subdivision (a), the
30 department, upon request of an agricultural water supplier, shall
31 provide the supplier with a list of persons or agencies having
32 expertise or experience in the development of water management
33 plans.

34 (c) The department shall prepare by July 1, 1988, an outline of
35 model informational reports and water management plans which
36 an agricultural water supplier may use in complying with the
37 requirements of this part.

38 SEC. 13. Section 11951 of the Water Code is amended to
39 read:

1 11951. The Legislature hereby finds and declares all of the
2 following:

3 (a) Agriculture is this state's largest income producer,
4 contributing approximately \$14 billion annually to the economy
5 of the state. California agriculture remains the leader in the
6 development of modern agricultural technology and is supported
7 by the world's leading agricultural education and research
8 institutions. However, the future growth and prosperity of
9 agriculture is threatened by a lack of necessary irrigation water.

10 (b) The population of California is expected to increase by
11 over three million persons by the year 2000. This increase alone
12 will require at least an additional 600,000 acre-feet of water
13 annually for municipal purposes.

14 (c) Upon commencement of the operation of the Central
15 Arizona Project, which is scheduled to occur by 1985, over
16 662,000 acre-feet of water presently available for use each year
17 in California will be lost to the State of Arizona pursuant to
18 decisions of the United States Supreme Court. These court
19 decisions decrease the total water supply available to California
20 from the Colorado River by a quantity sufficient to supply the
21 needs of three and one-half million people.

22 (d) The central San Joaquin Valley faces a critical water
23 shortage amounting to approximately 1.4 million acre-feet
24 annually ~~which~~ *that* is presently being mined from the
25 groundwater basin. The lowering of the groundwater table is
26 causing irrigation water to be pumped at excessive depths of 500
27 to 600 feet or more, which requires a tremendous use of energy at
28 a high cost.

29 (e) Based on a 50 year average, California faces a drought in
30 one out of every four years. During periods such as the
31 1976–1977 drought, the state has had critical water shortages,
32 requiring emergency conservation measures and resulting in
33 thousands of acres of prime agricultural land in the San Joaquin
34 Valley remaining unplanted. At the peak of the 1976–77 drought
35 period, the state lost approximately \$1.5 billion in crop revenues
36 as a result of inadequate supplies of irrigation water.

37 (f) A portion of the foregoing water requirements may be
38 economically met by water conservation and ~~reclamation~~
39 *recycling* projects ~~which~~ *that* produce substantial quantities of

1 additional usable water for use in areas of the state with
2 inadequate local supplies.

3 SEC. 14. Section 11952 of the Water Code is amended to
4 read:

5 11952. (a) It is the intent of the Legislature in enacting this
6 chapter to encourage local agencies and private enterprise to
7 implement potential water conservation and ~~reclamation~~
8 *recycling* projects by establishing a state program to finance or
9 assist in financing projects ~~which that~~ meet state criteria and will
10 result in additional supplies of water for use in areas of need.
11 Water conservation and ~~reclamation~~ *recycling* projects, including
12 facilities for municipal and industrial advanced ~~waste-water~~
13 *wastewater* treatment, regulatory impoundments, improvements
14 to water supply and delivery systems, tailwater recovery systems,
15 and sprinkler or drip irrigation systems, may result in increased
16 quantities of usable water for beneficial purposes, but may be
17 financially unattractive at the local level if the cost of additional
18 fresh water is less than the cost to conserve or ~~reclaim~~ *recycle*
19 water.

20 (b) It is in the interests of both the users of water supplied by
21 the state and the users of local water supplies to undertake water
22 conservation and ~~reclamation~~ *recycling* projects ~~which that~~
23 supply water for purposes of the State Water Resources
24 Development System at a cost less than the cost of new state
25 water development facilities, and ~~which that~~ provide benefits to
26 local water users, including decreased salt concentrations,
27 resulting from increased irrigation efficiency and reduced
28 problems of pollution from ~~waste-water~~ *wastewater* discharges. It
29 is not the intent of the Legislature in enacting this chapter to
30 affect or otherwise defer the construction of water facilities
31 necessary to meet the requirements of the people of this state,
32 and nothing in this chapter shall be construed to affect the
33 authority of the department under any other provision of law.

34 SEC. 15. Section 11962 of the Water Code is amended to
35 read:

36 11962. Water conservation and ~~reclamation~~ *recycling* projects
37 eligible for assistance under this chapter include, but are not
38 limited to, the following:

1 (a) Projects for municipal and industrial advanced ~~waste-water~~
2 *wastewater* treatment to permit the reuse of the water for
3 additional purposes.

4 (b) Projects for the improvement of water supply and delivery
5 facilities.

6 (c) Projects for the improvement of on-farm irrigation
7 systems, including tailwater recovery systems, regulatory
8 impoundments, and sprinkler, drip, or other irrigation systems
9 ~~which~~ *that* enable more efficient use of water.

10 SEC. 16. Section 11964 of the Water Code is amended to
11 read:

12 11964. Water conservation or ~~reclamation~~ *recycling* projects
13 developed pursuant to this chapter may be funded pursuant to
14 any bond law ~~heretofore or hereafter~~ approved by the voters if
15 the project is otherwise eligible for funding under the bond law.

16 SEC. 17. Section 11981 of the Water Code is amended to
17 read:

18 11981. The ~~State Water Resources Control Board~~ *board* shall
19 establish criteria for determining both of the following:

20 (a) The eligibility of water ~~reclamation~~ *recycling* projects for
21 assistance under this chapter.

22 (b) The economic, financial, and engineering feasibility of
23 proposed ~~reclamation~~ *recycling* projects.

24 SEC. 18. Section 11982 of the Water Code is amended to
25 read:

26 11982. The department shall establish criteria for determining
27 whether a water conservation or ~~reclamation~~ *recycling* project
28 results in a net increase in the amount of water made available
29 for use and does not interfere with an established right to use of
30 water by any other person or entity.

31 SEC. 19. Section 11983 of the Water Code is amended to
32 read:

33 11983. The department and the ~~State Water Resources~~
34 ~~Control Board~~ *board* shall only approve for funding by the state
35 under this chapter those projects ~~which~~ *that* result in a net
36 increase in the amount of water available for use and ~~which~~ *that*
37 do not interfere with an established right to use of water by any
38 other person or entity. Any agreement between parties for a
39 conservation or ~~reclamation~~ *recycling* project not using state
40 financing shall not require approval by the department or the

1 ~~State Water Resources Control Board~~ *board* under this chapter
2 but shall comply with the criteria adopted under Section 11981 or
3 11982.

4 SEC. 20. Section 12921.3 of the Water Code is amended to
5 read:

6 12921.3. “Project” means any physical structure or facility
7 proposed or constructed under this chapter for the conservation,
8 storage, regulation, ~~reclamation~~ *recycling*, treatment or
9 transportation of water to replenish, recharge, or restore a ~~ground~~
10 ~~water~~ *groundwater* basin, or to prevent, stem, or repel the
11 intrusion of sea water therein, or to improve the quality of the
12 waters thereof, ~~when such~~ *if that groundwater* basin is relied
13 upon as a source of public water supply.

14 SEC. 21. Section 12929.22 of the Water Code is amended to
15 read:

16 12929.22. (a) Funds expended for purposes of Section
17 12929.20 shall be expended only for an eligible project ~~which~~
18 *that* is consistent with a grant application pursuant to Section
19 12929.21. The City of Los Angeles shall be the sole grantee for
20 any funds expended for an eligible project.

21 ~~For~~
22 (b) *For* purposes of this section, “eligible project” means a
23 water or power conservation project, a ~~waste water reclamation~~
24 *wastewater recycling* project, a conjunctive use program, a
25 groundwater recharge project, the enlargement of existing water
26 or power facilities owned by the City of Los Angeles, electric
27 power production facilities, or a water marketing program.
28 Priority shall be given to projects or programs that conserve
29 water or power that has been previously developed.

30 ~~It~~
31 (c) *It* is the intent of the Legislature that eligible projects are
32 intended to find replacement water and power for the City of Los
33 Angeles and to limit any impact of reduced diversions from the
34 Mono Lake Basin on statewide water and power supplies, except
35 for any reduced diversions ordered as specified in Section
36 12929.24. No money made available pursuant to this chapter
37 shall be spent by the city to buy water from the Metropolitan
38 Water District of Southern California.

39 SEC. 22. Section 12947 of the Water Code is amended to
40 read:

12947. (a) The Legislature finds and declares that the growing water needs of the state require the development of cost effective and efficient water supply technologies. Desalination technology is now feasible to help provide significant new water supplies from seawater, brackish water, and ~~reclaimed~~ *recycled* water. Desalination technology can also provide an effective means of treating some types of contamination in water supplies. Desalination is consistent with both state water supply and efficiency policy goals, and joint state-federal environmental and water policy and principles promoted by the Cal-Fed Bay Delta Program.

(b) It is the policy of this state that desalination projects developed by or for public water entities be given the same opportunities for state assistance and funding as other water supply and reliability projects, and that desalination be consistent with all applicable environmental protection policies in the state.

(c) It is the intention of the Legislature that the department shall undertake to find economic and efficient methods of desalting saline water so that desalted water may be made available to help meet the growing water requirements of the state.

SEC. 23. Section 13167.5 of the Water Code is amended to read:

13167.5. (a) The state board or the regional board, as applicable, shall provide notice and a period of at least 30 days for public comment prior to the adoption of any of the following:

(1) Waste discharge requirements prescribed pursuant to Sections 13263 or 13377.

(2) Water ~~reclamation~~ *recycling* requirements prescribed pursuant to Section 13523.

(3) An order issued pursuant to Section 13320.

(4) A time schedule order adopted pursuant to Section 13300 that sets forth a schedule of compliance and required actions relating to waste discharge requirements prescribed pursuant to Section 13263 or 13377.

(b) The notification required by subdivision (a) may be provided by mailing a draft of the waste discharge requirements, water ~~reclamation~~ *recycling* requirements, time schedule order, or order issued pursuant to Section 13320 to each person who has requested notice of the specific item, or by posting a draft of the

1 respective requirements or order on the official Internet site
2 maintained by the state board or regional board, and providing
3 notice of that posting by electronic mail to each person who has
4 requested notice.

5 (c) This section does not require the state board or the regional
6 board to provide more than one notice or more than one public
7 comment period prior to the adoption of waste discharge
8 requirements, water ~~reclamation~~ *recycling* requirements, a time
9 schedule order, or an order issued pursuant to Section 13320.

10 SEC. 24. Section 13415 of the Water Code is amended to
11 read:

12 13415. (a) Loans may be made by the state board to public
13 agencies to pay not more than one-half of the cost of studies and
14 investigations made by ~~such~~ *those* public agencies in connection
15 with ~~waste water reclamation~~ *wastewater recycling*.

16 (b) Not more than a total of two hundred thousand dollars
17 ~~(\$200,00)~~ *(\$200,000)* shall be loaned pursuant to this section in
18 any fiscal year, and not more than fifty thousand dollars
19 *(\$50,000)* shall be loaned to any public agency in any fiscal year
20 pursuant to this section. In the event that less than two million
21 dollars *(\$2,000,000)* is available in any fiscal year for loans
22 under this article, then not more than 10 percent of the available
23 amount shall be available for loans for studies and investigations
24 pursuant to this section.

25 (c) Applications for ~~such~~ loans shall be made in ~~such~~ a form,
26 and shall contain ~~such~~ information, as ~~may be~~ required by the
27 state board.

28 (d) ~~Such loans~~ *Loans* shall be repaid within a period not to
29 exceed 10 years, with interest at a rate established in the manner
30 provided in Section 13412.

31 SEC. 25. The heading of Chapter 7 (commencing with
32 Section 13500) of Division 7 of the Water Code is amended to
33 read:

34
35 CHAPTER 7. WATER-~~RECLAMATION~~ *RECYCLING*
36

37 SEC. 26. Section 13515 of the Water Code is amended to
38 read:

39 13515. In order to implement the policy declarations of this
40 chapter, the state board is authorized to provide loans for the

1 development of water ~~reclamation~~ *recycling* facilities, or for
2 studies and investigations in connection with water ~~reclamation~~
3 *recycling*, pursuant to the provisions of Chapter 6 (commencing
4 with Section 13400) ~~of this division~~.

5 SEC. 27. Section 13523 of the Water Code is amended to
6 read:

7 13523. (a) Each regional board, after consulting with and
8 receiving the recommendations of the State Department of
9 Health Services and any party who has requested in writing to be
10 consulted, and after any necessary hearing, shall, if in the
11 judgment of the board, it is necessary to protect the public health,
12 safety, or welfare, prescribe water ~~reclamation~~ *recycling*
13 requirements for water ~~which~~ *that* is used or proposed to be used
14 as ~~reclaimed~~ *recycled* water.

15 (b) The requirements may be placed upon the person
16 ~~reclaiming~~ *recycling* water, the user, or both. The requirements
17 shall be established in conformance with the uniform statewide
18 reclamation criteria established pursuant to Section 13521. The
19 regional board may require the submission of a preconstruction
20 report for the purpose of determining compliance with the
21 uniform statewide ~~reclamation~~ *recycling* criteria. The
22 requirements for a use of ~~reclaimed~~ *recycled* water not addressed
23 by the uniform statewide ~~reclamation~~ *recycling* criteria shall be
24 considered on a case-by-case basis.

25 SEC. 28. Section 13523.1 of the Water Code is amended to
26 read:

27 13523.1. (a) Each regional board, after consulting with, and
28 receiving the recommendations of, the State Department of
29 Health Services and any party who has requested in writing to be
30 consulted, with the consent of the proposed permittee, and after
31 any necessary hearing, may, in lieu of issuing waste discharge
32 requirements pursuant to Section 13263 or water ~~reclamation~~
33 *recycling* requirements pursuant to Section 13523 for a user of
34 ~~reclaimed~~ *recycled* water, issue a master ~~reclamation~~ *recycling*
35 permit to a supplier or distributor, or both, of ~~reclaimed~~ *recycled*
36 water.

37 (b) A master ~~reclamation~~ *recycling* permit shall include, at
38 least, all of the following:

39 (1) Waste discharge requirements, adopted pursuant to Article
40 4 (commencing with Section 13260) of Chapter 4.

1 (2) A requirement that the permittee comply with the uniform
2 statewide ~~reclamation~~ *recycling* criteria established pursuant to
3 Section 13521. Permit conditions for a use of ~~reclaimed~~ *recycled*
4 water not addressed by the uniform statewide water ~~reclamation~~
5 *recycling* criteria shall be considered on a case-by-case basis.

6 (3) A requirement that the permittee establish and enforce
7 rules or regulations for ~~reclaimed~~ *recycled* water users, governing
8 the design and construction of ~~reclaimed~~ *recycled* water use
9 facilities and the use of ~~reclaimed~~ *recycled* water, in accordance
10 with the uniform statewide ~~reclamation~~ *recycling* criteria
11 established pursuant to Section 13521.

12 (4) A requirement that the permittee submit a quarterly report
13 summarizing ~~reclaimed~~ *recycled* water use, including the total
14 amount of ~~reclaimed~~ *recycled* water supplied, the total number of
15 ~~reclaimed~~ *recycled* water use sites, and the locations of those
16 sites, including the names of the hydrologic areas underlying the
17 ~~reclaimed~~ *recycled* water use sites.

18 (5) A requirement that the permittee conduct periodic
19 inspections of the facilities of the ~~reclaimed~~ *recycled* water users
20 to monitor compliance by the users with the uniform statewide
21 ~~reclamation~~ *recycling* criteria established pursuant to Section
22 13521 and the requirements of the master ~~reclamation~~ *recycling*
23 permit.

24 (6) Any other requirements determined to be appropriate by
25 the regional board.

26 SEC. 29. Section 13529.2 of the Water Code is amended to
27 read:

28 13529.2. (a) Any person who, without regard to intent or
29 negligence, causes or permits an unauthorized discharge of
30 50,000 gallons or more of recycled water, as defined in
31 subdivision (c), or 1,000 gallons or more of recycled water, as
32 defined in subdivision (d), in or on any waters of the state, or
33 causes or permits such unauthorized discharge to be discharged
34 where it is, or probably will be, discharged in or on any waters of
35 the state, shall, as soon as (1) that person has knowledge of the
36 discharge, (2) notification is possible, and (3) notification can be
37 provided without substantially impeding cleanup or other
38 emergency measures, immediately notify the appropriate regional
39 board.

(b) For the purposes of this section, an unauthorized discharge means a discharge not authorized by waste discharge requirements pursuant to Article 4 of Chapter 4 (commencing with Section 13260), water ~~reclamation~~ *recycling* requirements pursuant to Section 13523, a master ~~reclamation~~ *recycling* permit pursuant to Section 13523.1, or any other provision of this division.

(c) For the purposes of this section, “recycled water” means wastewater treated as “disinfected tertiary 2.2 recycled water,” as defined or described by the State Department of Health Services or wastewater receiving advanced treatment beyond disinfected tertiary 2.2 recycled water.

(d) For purposes of this section, “recycled water” means “recycled water,” as defined in subdivision (n) of Section 13050, which is treated at a level less than “disinfected tertiary 2.2 recycled water,” as defined or described by the State Department of Health Services.

(e) The requirements in this section supplement, and shall not supplant, any other ~~provisions~~ *provision* of law.

SEC. 30. Section 13530 of the Water Code is amended to read:

13530. The department, either independently or in cooperation with any person or any county, state, federal, or other agency, or on request of the state board, to the extent funds are allocated therefor, shall conduct surveys and investigations relating to the ~~reclamation~~ *recycling* of water from waste pursuant to Section 230.

SEC. 31. Section 13627 of the Water Code is amended to read:

13627. (a) Supervisors and operators of those wastewater treatment plants described in paragraph (1) and (2) of subdivision (b) of Section 13625 shall possess a certificate of appropriate grade. Subject to the approval of regulations by the state board, supervisors and operators of those wastewater treatment plants described in paragraph (3) of subdivision (b) of Section 13625 shall possess certificates of the appropriate grade. All certificates shall be issued in accordance with, and to the extent recommended by the advisory committee and required by, regulations adopted by the state board. The state board shall develop and specify in its regulations the training necessary to

1 qualify a supervisor or operator for certification for each type and
 2 class of plant. The state board may accept experience in lieu of
 3 qualification training. For supervisors and operators of water
 4 recycling treatment plants, the state board may approve use of a
 5 water treatment plant operator of appropriate grade certified by
 6 the State Department of Health Services pursuant to Article 3
 7 (commencing with Section 106875) of Chapter 4 of Part 1 of
 8 Division 104 of the Health and Safety Code in lieu of a
 9 wastewater treatment plant operator certified by the state board,
 10 ~~provided~~ *except* that the state board may refuse to approve use of
 11 an operator certified by the department or may suspend or revoke
 12 its approval of the use of an operator certified by the department
 13 if the operator commits any of the prohibited acts described in
 14 Article 7 of Chapter 26 of Division 3 of Title 23 of the California
 15 Code of Regulations.

16 (b) The regional water quality control board, with jurisdiction
 17 for issuing and ensuring compliance with applicable water
 18 ~~reclamation~~ *recycling* or waste discharge requirements, shall
 19 notify the department in writing if, pursuant to an inspection
 20 conducted under Section 13267, the regional board makes a
 21 determination that there is reasonable grounds for not issuing, or
 22 for suspending or revoking, the certificate of a certified water
 23 treatment plant operator who is operating or supervising the
 24 operation of a water recycling treatment plant. The department
 25 shall make its determination regarding the issuance, suspension,
 26 or revocation of a certificate in accordance with Section 106876
 27 of the Health and Safety Code.

28 (c) For purposes of this section, “water recycling treatment
 29 plant” means a treatment plant that receives and further treats
 30 secondary or tertiary effluent, or both, from a wastewater
 31 treatment plant.

32 (d) A person employed as a wastewater treatment plant
 33 supervisor or operator on the effective date of regulations
 34 adopted pursuant to this chapter shall be issued an appropriate
 35 certificate if the person meets the training, education, and
 36 experience requirements prescribed by regulations.

37 (e) The state board may refuse to grant, suspend, or revoke
 38 any certificate issued by the state board to operate a wastewater
 39 treatment plant, or may place on probation, or reprimand, the

1 certificate holder upon any reasonable ground, including, but not
2 limited to, all of the following reasons:

3 (1) Submitting false or misleading information on an
4 application for a certificate.

5 (2) The employment of fraud or deception in the course of
6 operating the wastewater treatment plant.

7 (3) A certificate holder's failure to use reasonable care or
8 judgment in the operation of the plant.

9 (4) A certificate holder's inability to perform operating duties
10 properly.

11 (5) Willfully or negligently violating, or causing; or allowing
12 the violation of, waste discharge requirements or permits issued
13 pursuant to the Federal Water Pollution Control Act (33 U.S.C.
14 Sec. 1251 et seq.).

15 (f) The state board shall conduct all proceedings for the refusal
16 to grant a certificate, and suspension or revocation of a
17 certificate, pursuant to subdivision (c), in accordance with the
18 rules adopted pursuant to Section 185.

19 SEC. 32. Section 13952 of the Water Code is amended to
20 read:

21 13952. (a) Notwithstanding the provisions of Sections 13950
22 and 13951, water containing waste ~~which~~ *that* has been placed in
23 a sanitary sewer system for treatment and transportation outside
24 of the Lake Tahoe Basin may be ~~reclaimed~~ *recycled* in a pilot
25 ~~reclamation~~ *recycling* project to demonstrate the technological
26 and environmental feasibility of using ~~such~~ *that* water for
27 beneficial purposes within the Lake Tahoe Basin in accordance
28 with the provisions of the Water ~~Reclamation~~ *Recycling* Law
29 (Chapter 7 (commencing with Section 13500) of this division)
30 and ~~the provisions of~~ this section.

31 ~~Prior~~

32 (b) ~~Prior~~ to the initiation of any pilot ~~reclamation~~ *recycling*
33 project within the Lake Tahoe Basin, the ~~reclaimer or reuser~~
34 *project proponent* shall submit the project with technical data to
35 the regional board for the Lahontan region for approval. Only
36 those projects submitted before January 1, 1984, shall be
37 considered. The technical data submitted shall demonstrate that
38 ~~such~~ *the* pilot ~~reclamation~~ *recycling* project will not, individually
39 or collectively, directly or indirectly, adversely affect the quality

1 of the waters of Lake Tahoe. The intended operational life of the
2 project shall be at least 10 years.

3 ~~No~~

4 (c) *No* pilot reclamation project shall be initiated unless and
5 until ~~such~~ the regional board approves the project, and finds that
6 ~~such~~ the pilot ~~reclamation~~ *recycling* project or projects will not,
7 individually or collectively, directly or indirectly, adversely
8 affect the quality of the waters of Lake Tahoe. The regional
9 board for the Lahontan region shall place conditions on any
10 approved project to include specification of maximum project
11 size. The regional board for the Lahontan region may suspend or
12 terminate an approved project for cause at any time.

13 SEC. 33. Section 14957 of the Water Code is amended to
14 read:

15 14957. When rating project proposals affecting shellfish
16 growing areas for state and federal funding under Sections 205
17 and 319 of the federal Clean Water Act (33 U.S.C. ~~See, 1251 et~~
18 ~~seq.~~; Secs. 1285 and 1329) or from other funding sources, the
19 state board and regional boards shall give timely notice to the
20 California Aquaculture Association and shall provide shellfish
21 growers with the opportunity to comment on the following types
22 of project proposals:

23 (a) Project proposals that seek to identify the nature, sources,
24 scope, and degree of pollution threatening a commercial shellfish
25 growing area.

26 (b) Project proposals that seek to reduce or eliminate the
27 impact of point or nonpoint *source* pollution that affects a
28 commercial shellfish growing area. Proposals under this
29 subdivision shall include waste ~~reclamation~~ *recycling* projects.

30 SEC. 34. Section 31035 of the Water Code is amended to
31 read:

32 31035. A district may undertake a water conservation
33 program to reduce water use and may require as a condition of
34 new service that reasonable water-saving devices and water
35 ~~reclamation~~ *recycling* devices be installed to reduce water use.

36 SEC. 35. Section 31144.71 of the Water Code is amended to
37 read:

38 31144.71. (a) For the common benefit of the district and for
39 the purpose of managing the groundwater basin and managing,
40 replenishing, regulating, and protecting the groundwater supplies

1 within the district, the Malaga County Water District may
2 exercise any of the following powers:

3 (1) Provide for the conjunctive use of groundwater and surface
4 water resources within the district.

5 (2) Store water in underground water basins or reservoirs
6 within or outside of the district.

7 (3) Exchange water.

8 (4) Distribute water to persons in exchange for ceasing or
9 reducing groundwater extractions.

10 (5) Transport, ~~reclaim~~ *recycle*, purify, treat, inject, extract, or
11 otherwise manage and control water for the beneficial use of
12 persons or property within the district and to improve and protect
13 the quality of groundwater supplies within the district.

14 (b) The district ~~may~~, pursuant to Sections 31020 and 31021,
15 *may* enter into an agreement or agreements with other public
16 agencies for the purpose of participating in basinwide
17 groundwater management activities.

18 SEC. 36. Section 31145 of the Water Code is amended to
19 read:

20 31145. In addition to the other powers provided by law, the
21 Stinson Beach County Water District, Marin County, shall have
22 all of the following powers and shall promptly and effectively
23 exercise such powers as may be appropriate for improving water
24 quality and supply, reducing use of water, and preventing
25 nuisance, pollution, waste, and contamination of water:

26 (a) To carry on technical and other investigations,
27 examinations, or tests, of all kinds, make measurements, collect
28 data, and make analyses, studies, and inspections pertaining to
29 the water supply, use of water, water quality, nuisance, pollution,
30 waste, and contamination of water, both within and ~~without~~
31 *outside* the district, including, but not limited to, such activities
32 related to *the* use of public, combined, or private septic and septic
33 tank disposal systems.

34 (b) To regulate, prohibit, or control the discharge of pollutants,
35 waste, or any other materials into the ~~ground or surface waters~~
36 *groundwater or surface water* of the district or the contiguous
37 seashores of the district by requiring dischargers to obtain a
38 permit from the district prior to any such discharge and by
39 prohibiting the discharge of pollutants, sewage, septic drainage,
40 or any other material ~~which~~ *that* does or may cause a nuisance

1 into the ~~ground or surface waters~~ *groundwater or surface water*
2 of the district or the contiguous seashores of the district without a
3 permit having first been obtained from the district; to charge fees
4 for the issuance and periodic renewal of such permits in such
5 amount as will defray all or a portion of the costs of exercising
6 the powers provided in this article; to require all permittees to
7 indemnify the district from any and all damages, penalties, or
8 other expenses imposed on or required of the district by federal,
9 state, regional, or local agencies due to any discharge by such
10 permittees into ~~ground or surface waters~~ *the groundwater or*
11 *surface water* of the district or the contiguous seashores of the
12 district; to require as a condition of obtaining discharge permits
13 from the district that all such dischargers also obtain state and
14 federal waste discharge permits and any other permits required
15 by federal, state, regional, or local law.

16 (c) To adopt and enforce regulations within the incorporated
17 and unincorporated areas of the district, after holding a public
18 hearing on reasonable notice thereof, to control and enhance the
19 quality of the ~~ground~~ *groundwater* and ~~surface waters~~ *water* of
20 the district, to eliminate the pollution, waste, and contamination
21 of water flowing into, through, or originating within water
22 courses and impoundments, both natural and artificial, within the
23 district, to prevent contamination, nuisance, pollution, or
24 otherwise rendering unfit for beneficial use the *surface water* or
25 ~~ground-water~~ *groundwater* used or useful in the district, and to
26 expend such amounts as are necessary to exercise such powers
27 from the funds of the district.

28 (d) To increase, to improve the quality of, and to prevent the
29 waste or diminution of the water supply in, or unlawful
30 exportation of water from, the district; to obtain, retain, conserve,
31 treat by physical, chemical, or biological processes, or otherwise
32 ~~reclaim~~ *recycle* sanitary, sewage, drainage, storm, flood, and
33 other water for beneficial use within the district or for storage,
34 discharge, or disposal in accordance with legally established
35 water quality specifications; and, whenever the board of directors
36 shall find it to be in the best interests of the district so to do, to
37 sell such water for agricultural, domestic, or other beneficial
38 purposes within or ~~without~~ *outside* the district upon such terms
39 and conditions as may be prescribed by the board.

SEC. 37. Section 31630.5 of the Water Code is amended to read:

31630.5. As used in this chapter:

(a) “Annual” or “year” means a calendar year unless the context indicates a contrary meaning.

(b) “District” means the Coachella Valley Water District.

(c) “Fiscal year” means the period of July 1 through June 30, inclusive.

(d) “Production” or “produce” means the extraction of groundwater by pumping or any other method within the boundaries of the district or the diversion within the district of surface supplies ~~which~~ *that* naturally replenish the groundwater supplies within the district and are used therein.

(e) “Producer” means any individual, partnership, association or group of individuals, lessee, firm, private corporation, or any public agency or public corporation, including, but not limited to, the Coachella Valley Water District.

(f) “Minimal pumper” means any producer who produces 25 or fewer acre-feet in any year.

(g) “Replenishment” and “replenishing” include incentive programs encouraging producers to use ~~reclaimed~~ *recycled* water supplied by the district, or Colorado River water from the district’s Coachella Branch Canal, for irrigation or other purposes, instead of groundwater.

(h) “Supplemental water” means water from the State Water Resources Development System, or from the Colorado River Aqueduct of the Metropolitan Water District of Southern California, or from any other source ~~which~~ *that* is not part of the natural replenishment of the groundwater supplies within the district, including ~~reclaimed~~ *recycled* water.

SEC. 38. Section 31631 of the Water Code is amended to read:

31631. By May 1 of each year the board shall have prepared and presented to it an engineering survey and report concerning the groundwater supplies within the district. The report shall include the condition of the groundwater supplies, the need for replenishment, and recommendations for any replenishment program, including the source and amount of replenishment water, the cost of purchasing or producing, transporting, and spreading this water, and the cost of “in lieu” programs,

1 including incentives to use Colorado River water or ~~reclaimed~~
2 *recycled* water in place of groundwater. In connection with any
3 proposed replenishment program, the report shall also describe
4 the area or areas benefited, either directly or indirectly, the
5 amount of water production produced in each area during the
6 prior year, and shall recommend the amount of assessment to be
7 levied upon all production within the benefited area or areas.

8 SEC. 39. Section 31633 of the Water Code is amended to
9 read:

10 31633. The amount of any replenishment assessment levied
11 within an area of benefit shall be established at the discretion of
12 the board, except that no assessment shall exceed the sum of the
13 following costs and charges:

14 (a) Those charges imposed under the contract between the
15 district and the state for an imported water supply from the State
16 Water Resources Development System consisting of all of the
17 following:

18 (1) The variable operation, maintenance, power, and
19 replacement component of the transportation charge.

20 (2) The off-aqueduct power facilities component of the
21 transportation charge.

22 (3) The delta water charge.

23 (4) Any surplus water or unscheduled water charge.

24 (5) Sums paid by the district to the Desert Water Agency for
25 payment of similar charges under a similar contract the agency
26 has with the state as provided in the water management
27 agreement of July 1, 1976, as amended.

28 (b) The cost of recharging the groundwater basin with
29 imported water from the State Water Resources Development
30 System not included in subdivision (a).

31 (c) The cost of importing and recharging water from sources
32 other than the State Water Resources Development System.

33 (d) The cost of treatment and distribution of ~~reclaimed~~
34 *recycled* water for recharge or for direct use in lieu of
35 groundwater.

36 (e) The cost of programs providing incentives to use ~~reclaimed~~
37 *recycled* water or Colorado River water in place of groundwater.

38 SEC. 40. Section 55335 of the Water Code is amended to
39 read:

1 55335. (a) A district may acquire and conserve water
2 supplies from any available source, including underground water
3 basins within the same county, imported supplies, streams, ~~waste~~
4 ~~water wastewater~~, and ~~storm-water~~ *stormwater*.

5 A

6 (b) A district may acquire, purify, treat and ~~reclaim~~ *recycle*
7 saline water or sewage or both; may store, distribute, and sell the
8 water and byproducts resulting from such purification, treatment
9 and reclamation; and may acquire, construct and maintain
10 pipelines, flumes, ditches, reservoirs, sewage purification plants,
11 sewage collection systems, saline water demineralization plants,
12 and ~~such~~ other works and facilities ~~as~~ *that* are necessary or
13 convenient to carry out these powers.

14 SEC. 41. Section 71610.5 of the Water Code is amended to
15 read:

16 71610.5. A district may undertake a water conservation
17 program to reduce water use and may require, as a condition of
18 new service, that reasonable water-saving devices and water
19 ~~reclamation~~ *recycling* devices be installed to reduce water use.

20 SEC. 42. Section 81420 of the Water Code is amended to
21 read:

22 81420. The agency may plan, finance, acquire, construct,
23 maintain, and operate facilities for the collection, transmission,
24 treatment, ~~reclamation~~ *recycling*, reuse, and conservation of
25 water. The agency may carry out any project or work.